

Steven M. Bessette et al.
Appl. No. 09/362,189
July 21, 2004

Atty. Docket: 4380-61

REMARKS/ARGUMENTS

Claims 17 and 53-55 are pending. In an effort to advance prosecution, claim 17 is amended and claims 53-55 are added to encompass infringing subject matter. No new matter has been added by these amendments. Applicants reserve the right to file continuing applications for canceled and/or withdrawn subject matter or to cover disclosed subject matter not encompassed by the currently pending claims.

Inventor Bessette is grateful for the courtesies extended to him and the undersigned representative during a personal interview conducted on October 9, 2003. The substance and effect of the interview are incorporated in the above claim amendments and the Remarks below.

REJECTION UNDER 35 U.S.C. § 102(b)

The Office Action rejects claim 17 under 35 U.S.C. § 102(b) as being anticipated by Gordon et al. (EP 0262885). Applicants respectfully traverse this rejection.

Gordon does not disclose a pesticidal composition devoid of piperonyl butoxide and consisting essentially of benzyl alcohol and pyrethrum, as required by the claimed invention. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a)

The Office Action rejects claim 17 Under 35 U.S.C. § 103(a) as being unpatentable over Locher et al. (U.S. Pat. No. 3,445,565) in view of Lover et al. (U.S. Pat. No. 4,368,207 and Schraufstatter et al. (U.S. Pat. No. 2,945,782). Applicants respectfully traverse this rejection.

Locher does not disclose a pesticidal composition devoid of piperonyl butoxide and consisting essentially of benzyl alcohol and pyrethrum, as claimed. Neither Lover nor Schraufstatter remedy the deficiencies of Locher because one of ordinary skill in the art reading

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these references to combine their teachings with the teachings of Locher would arrive at a composition containing piperonyl butoxide, which the claims do not read upon. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

If anything further could be done to place the above-captioned patent application in better condition for allowance (i.e., via Examiner's Amendment), then please contact the undersigned attorney at the telephone number listed below.

Please grant any extension(s) of time deemed necessary for entry of this communication. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper filed hereafter) to Deposit Account No. 14-1140. Please credit any overpayment of fees to such Deposit Account.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document (including any paper referred to as being attached or enclosed) is being sent to the U.S. Patent and Trademark Office via facsimile transmission to (703) 872-9306 on the date indicated below, with a coversheet addressed to Commissioner for Patents, U.S. Patent and Trademark Office.

Date: July 21, 2004

By: 

Willem F. Gadiano, Reg. No. 37,136